

# Public Document Pack

## STEWARTRY DIVISIONAL LICENSING BOARD

Meeting of Friday 7 October 2022  
at 10.30am – Remote Hearing

Dougie Campbell – Dee and Glenkens;  
Iain Howie – Castle Douglas and Crocketford;  
Kim Lowe (Convener) – Abbey;  
Andy McFarlane – Dee and Glenkens;  
Tony Beretti – Mid and Upper Nithsdale;

**VLAD VALIENTE**  
Clerk to the Licensing Board

## Stewartry Divisional Licensing Board

Meeting of Friday, 7th October, 2022  
at 10.30 am in This meeting will be held online

1. SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION
2. DECLARATIONS OF INTEREST
3. MINUTE OF MEETING 30 AUGUST 2022 5 - 20  
  
FOR APPROVAL.
4. LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS 21 - 22
5. LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS 23 - 24
6. LICENSING (SCOTLAND) ACT 2005: SURRENDER OF PREMISES LICENCE - REPORT BY THE CLERK TO THE BOARD 25 - 26
7. LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR NEW PREMISES LICENCE - AUCHENCAIRN COMMUNITY STORE, AUCHENCAIRN - REPORT BY THE CLERK TO THE BOARD 27 - 34
8. LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR NEW PREMISES LICENCE - GATHER, LAGGAN, GATEHOUSE OF FLEET - REPORT BY THE CLERK TO THE BOARD 35 - 42
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10. LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE - SPAR, HIGH STREET, DALBEATTIE - REPORT BY THE CLERK TO THE BOARDS 55 - 62
11. LICENSING (SCOTLAND) ACT 2005 (THE ACT): DUMFRIES AND GALLOWAY LICENSING BOARDS' FINANCIAL REPORT - FINANCIAL YEAR 2021/22 - REPORT BY THE CLERK TO THE BOARDS 63 - 66

12. **LICENSING (SCOTLAND) ACT 2005 (THE ACT): SECTION 9A - DUMFRIES AND GALLOWAY LICENSING BOARDS' ANNUAL FUNCTION REPORT - 2021/2022 - REPORT BY THE CLERK TO THE** 67 - 78

Next Meeting Date: Date Not Specified

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**STEWARTRY DIVISIONAL LICENSING BOARD****Minute of Meeting of Tuesday 30 August 2022  
at 10.30am via Teams****MEMBERS PRESENT**

Dougie Campbell	-	Dee and Glenkens;
Ian Howie	-	Castle Douglas and Crocketford;
Kim Lowe (Convener)	-	Abbey;
Andy McFarlane	-	Dee and Glenkens;
Vacancy	-	

**IN ATTENDANCE**

Julia Farroll	-	Licensing Standards Officer
Mary Irving	-	Licensing Standards Officer
Inspector Stewart Mcombe	-	Police Scotland
Cheryl Syme	-	Senior Licensing Officer
Caroline Treanor	-	Solicitor

**VLAD VALIENTE**  
**Clerk to the Licensing Board**

## 1. APPOINTMENT OF CONVENER

**AGREED** unanimously that Kim Lowe be appointed Convener of the Divisional Board for the term until after the next local authority election.

## 2. SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION

4 Members present via MS Teams, no apologies were received, and the Convener approved Members' remote participation at the Hearing

## 3. DECLARATIONS OF INTEREST

**NONE**

## 4. MINUTE OF CONJOINED BOARD MEETING OF 19 NOVEMBER 2021

### Decision

**NOTED** that Councillor Howie was the only member of the Board present at this meeting so was the only member with authority to approve. Councillor Howie **APPROVED** the minutes

## 5. MINUTE OF MEETING 24 NOVEMBER 2021

### Decision

**NOTED** that Councillor Howie was the only member of the Board present at this meeting so was the only member with authority to approve. Councillor Howie **APPROVED** the minutes

## 6. LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARD

### Decision

**NOTED** that the following Occasional Licences and Extended Hours had been granted under delegated authority during the period from 16 February 2022 until 9 August 2022:

#### Occasional Licences: Applied for by a Personal Licence Holder

Total number issued 205

#### Occasional Licences: Applied for by a Premises Licence Holder

Total number issued 4

#### Occasional Licences: Applied for by a Voluntary Organisation

Total number issued 23

**Extended Hours**

Total number issued 2

**7. LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

**NOTED** that the applications detailed in **Appendix 1** had been granted under delegated authority.

**8. LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR TRANSFER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

**NOTED** that the applications detailed in **Appendix 2** had been granted under delegated authority.

**9. LICENSING (SCOTLAND) ACT 2005: SURRENDER OF PREMISES LICENCE – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

**NOTED** that the licence detailed in **Appendix 3** had been Surrendered.

**10. LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – SPAR, FLEETVALE, HIGH STREET, GATEHOUSE OF FLEET – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

Having heard from the applicant's agent, Police Scotland and the Licensing Standards Officer, the Board **AGREED** to **GRANT** the application as detailed in **Appendix 4**.

**11. LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – KIRKCUDBRIGHT BOWLING CLUB, KIRKCUDBRIGHT – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

Having heard from the applicant's representative, Police Scotland and the Licensing Standards Officer, the Board **AGREED** to **GRANT** the application as detailed in **Appendix 5**.

**12. LICENSING (SCOTLAND) ACT 2005: UNPAID ANNUAL FEES – THE ROYAL HOTEL, KIRKCUDBRIGHT – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

**NOTED** that this premises licence had been Surrendered prior to the meeting meaning that there was no item to consider.

APPENDIX 1**DUMFRIES AND GALLOWAY LICENSING BOARDS  
STEWARTRY DIVISIONAL LICENSING BOARD****THE LICENSING (SCOTLAND) ACT 2005: SECTION 29  
APPLICATIONS FOR MINOR VARIATION OF PREMISES LICENCES  
GRANTED UNDER DELEGATED AUTHORITY**

<b><u>Application No. 1 – Ref 0134S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Joanne Hird Whitecroft Farm Dalbeattie DG5 4PG
<b>Name &amp; Address of Premises</b>	The Galloway Soup Company Farm Shop and Tea Room 17 High Street Dalbeattie DG5 4AD
<b>Nature of variation</b>	Change of Designated Premises Manager to Lucy Carson
<b>Effective Date of Minor Variation</b>	13 January 2022

<b><u>Application No. 2 – Ref 0057S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Michelle Robertson 26 Main Street Crossmichael DG7 3AU
<b>Name &amp; Address of Premises</b>	The Thistle Hotel 51-55 Main Street Crossmichael DG7 3AU
<b>Nature of variation</b>	Change of Designated Premises Manager to Michelle Robertson
<b>Effective Date of Minor Variation</b>	26 January 2022

<b><u>Application No. 3 – Ref 0065S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Sharon Rice t/a Hillrigg Ltd Imperial Hotel 35 Kind Street Castle Douglas DG7 1AA
<b>Name &amp; Address of Premises</b>	Imperial Hotel & Bar 35 King Street Castle Douglas DG7 1AA
<b>Nature of variation</b>	Change of Designated Premises Manager to Thomas Anthony Horgan
<b>Effective Date of Minor Variation</b>	2 February 2022

<b><u>Application No. 4 – Ref 0134S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Joanne Hird Whitecroft Farm Dalbeattie DG5 4PG
<b>Name &amp; Address of Premises</b>	The Galloway Soup Company Farm Shop and Tea Room 17 High Street Dalbeattie DG5 4AD
<b>Nature of variation</b>	Change of Premises name to 'Acorns Tearoom & Shop'
<b>Effective Date of Minor Variation</b>	9 February 2022

<b><u>Application No. 5 – Ref 0114S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Wong Cho Ho 40 Oakfield Drive Georgetown Dumfries DG1 4PD
<b>Name &amp; Address of Premises</b>	Sea Horse Restaurant 15 Mill Street Dalbeattie DG5 4HE
<b>Nature of variation</b>	Change of Designated Premises Manager to Keny Ho
<b>Effective Date of Minor Variation</b>	11 February 2022

<b><u>Application No. 6 – Ref 0034S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Gallagher Property Limited George Street Dumfries DG1 1EB
<b>Name &amp; Address of Premises</b>	The Garret Hotel 116 High Street Kirkcudbright DG6 4JQ
<b>Nature of variation</b>	Change of Designated Premises Manager to Mark McLean
<b>Effective Date of Minor Variation</b>	11 February 2022

<b><u>Application No. 7 – Ref 0034S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Gallagher Property Limited George Street Dumfries DG1 1EB
<b>Name &amp; Address of Premises</b>	The Garret Hotel 116 High Street Kirkcudbright DG6 4JQ
<b>Nature of variation</b>	Change of Designated Premises Manager to Melissa Maxwell
<b>Effective Date of Minor Variation</b>	22 February 2022

<b><u>Application No. 8 – Ref 0059S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	William Chalmers 18F Castleblair Park Dunfermline KY12 9DW
<b>Name &amp; Address of Premises</b>	Wrights Store 17 Main Street St Johns Town of Dalry Castle Douglas DG7 3UP
<b>Nature of variation</b>	Change of Designated Premises Manager to William Chalmers and change of name of Premises to 'Wrights Store'
<b>Effective Date of Minor Variation</b>	7 April 2022

<b><u>Application No. 9 – Ref 0124S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	The National Trust for Scotland Enterprise Ltd Hermiston Quay 5 Cutlins Road Edinburgh EH11 4DF
<b>Name &amp; Address of Premises</b>	Threave Estate Castle Douglas DG7 1RF
<b>Nature of variation</b>	Change of Designated Premises Manager to Christopher Jeffries
<b>Effective Date of Minor Variation</b>	26 April 2022

<b><u>Application No. 10 – Ref 0130S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	New Galloway Community Shop High Street New Galloway DG7 3RN
<b>Name &amp; Address of Premises</b>	New Galloway Community Shop High Street New Galloway DG7 3RN
<b>Nature of variation</b>	Change of Designated Premises Manager to Gail Emo
<b>Effective Date of Minor Variation</b>	19 May 2022

<b><u>Application No. 11 – Ref 0033S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Tesco Stores Limited Tesco House Shire Park Kestrel Way Welwyn garden City Hertfordshire AL7 1GA
<b>Name &amp; Address of Premises</b>	Tesco 52 St Cuthbert Street Kirkcudbright DG6 4DZ
<b>Nature of variation</b>	Change of Designated Premises Manager to Leonard McEwan
<b>Effective Date of Minor Variation</b>	1 June 2022

<b><u>Application No. 12 – Ref 0044S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	The Firm of VRA Partnership 18A Nelson Street Kilmarnock KA1 1BD
<b>Name &amp; Address of Premises</b>	The Birchtree Hotel 1 Maxwell Street Dalbeattie DG5 4AH
<b>Nature of variation</b>	Change of Designated Premises Manager to Matthew Brown
<b>Effective Date of Minor Variation</b>	30 June 2022

<b><u>Application No. 13 – Ref 0037S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Anderson Strathern LLP 1 Rutland Court Edinburgh EH3 8EY
<b>Name &amp; Address of Premises</b>	Scotmid 129 King Street Castle Douglas DG7 1LX
<b>Nature of variation</b>	Change of Designated Premises Manager to Nadia Kosic
<b>Effective Date of Minor Variation</b>	4 August 2022

<b><u>Application No. 14 – Ref 0065S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Sharon Rice T/A Hillrigg Ltd Imperial Hotel 35 King Street Castle Douglas DG7 1AA
<b>Name &amp; Address of Premises</b>	Imperial Hotel 35 King Street Castle Douglas DG7 1AA
<b>Nature of variation</b>	Change of Designated Premises Manager to Heather O'Sullivan
<b>Effective Date of Minor Variation</b>	10 August 2022

**DUMFRIES AND GALLOWAY LICENSING BOARDS  
STEWARTRY DIVISIONAL LICENSING BOARD**

**THE LICENSING (SCOTLAND) ACT 2005  
APPLICATIONS FOR TRANSFER OF PREMISES LICENCES  
GRANTED UNDER DELEGATED AUTHORITY**

<b><u>Application No. 1 – Ref 0057S – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	James Adamson Parker 53 Main Street Crossmichael Castle Douglas DG7 3AU
<b>Name &amp; Address of Transferee or Agent</b>	Michelle Robertson 26 Main Street Crossmichael DG7 3AU
<b>Name &amp; Address of Premises</b>	The Thistle Hotel 51-55 Main Street Crossmichael Castle Douglas DG7 3AU
<b>Effective Date of Transfer</b>	25 January 2022

<b><u>Application No. 2 – Ref 0034S – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Kelly KBT Ltd 72 St Marys Street Kirkcudbright DG6 4EJ
<b>Name &amp; Address of Transferee or Agent</b>	Gallagher Property Limited 37 George Street Dumfries DG1 1EB
<b>Name &amp; Address of Premises</b>	The Garret Hotel 116 High Street Kirkcudbright DG6 4JQ
<b>Effective Date of Transfer</b>	11 February 2022

<b><u>Application No. 3 – Ref 0059S – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Lyndsay Ann Wright 17 Main Street St Johns Town of Dalry Castle Douglas DG7 3UP
<b>Name &amp; Address of Transferee or Agent</b>	William Chalmers 18F Castleblair Park Dunfermline KY12 9DW
<b>Name &amp; Address of Premises</b>	Wrights Shop 17 Main Street St Johns Town of Dalry Castle Douglas DG7 3UP
<b>Effective Date of Transfer</b>	7 April 2022

<b><u>Application No. 4 – Ref 0074S – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	TLT Solicitors For Mcmillan Hotels Ltd Northwest Castle Hotel Stranraer DG9 8EH
<b>Name &amp; Address of Transferee or Agent</b>	Guelder Three Limited 210 Cygnet Court Centre Park Warrington WA1 1PP
<b>Name &amp; Address of Premises</b>	Cally place Hotel and Golf Course Gatehouse of Fleet DG7 2DL
<b>Effective Date of Transfer</b>	1 June 2022

<b><u>Application No. 5 – Ref 0052S – SECTION 34</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	TLT Solicitors 140 West George Street Glasgow G2 2HG
<b>Name &amp; Address of Transferee or Agent</b>	C J Lang & Son Ltd 78 Longtown Road Dundee DD4 8JU
<b>Name &amp; Address of Premises</b>	E Kinnaird & Son The Cross High Street Dalbeattie DG5 4HD
<b>Effective Date of Transfer</b>	9 June 2022

<b><u>Application No. 6 – Ref 0082S – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Gilson Gray 160 West George Street Glasgow G2 2HG
<b>Name &amp; Address of Transferee or Agent</b>	Yumilicious Limited 19 Perceval Square College Road Harrow HA1 1GU
<b>Name &amp; Address of Premises</b>	Crown Hotel 25 King Street Castle Douglas DG7 1AA
<b>Effective Date of Transfer</b>	7 July 2022

Appendix 3

**DUMFRIES AND GALLOWAY LICENSING BOARDS  
STEWARTRY DIVISIONAL LICENSING BOARD**

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**THE LICENSING (SCOTLAND) ACT 2005 : SECTION 28(6)  
SURRENDER OF PREMISES LICENCE**

<b><u>No. 1 – Ref 0008S</u></b>	
<b>Name &amp; Address of Licence Holder</b>	Susan Farnes Burnbank Hotel 1 Kirkbrae Twynholm Kirkcudbright DG6 4NX
<b>Name &amp; Address of Premises</b>	Burnbank Hotel 1 Kirkbrae Twynholm Kirkcudbright DG6 4NX
<b>Date Licence Surrendered</b>	19 May 2022

**Stewartry Divisional Licensing Board**  
**Application for Variation of Premises Licence**

<p><b>Applicant/Agent</b></p>	<p>TLT Solicitors For CJ Lang &amp; Son Limited 77 Longtown Road Dundee DD4 8JU</p>
<p><b>Address of Premises</b></p>	<p>Spar Fleetvale High Street Gatehouse of Fleet DG7 2HP</p>
<p><b>Nature of Variation</b></p>	<p><b><u>Operating Plan</u></b></p> <p>Q5) add gaming as an activity during and outwith core hours (to cover the use of the National Lottery outlet etc);</p> <p>Q5) amend and add the following wording – The premises may open for general trade prior to the commencement of core hours. Recorded music may be played, such as Spar Radio prior to the commencement of core hours. This is background level only. National Lottery tickets/cards can be purchased prior to core hours.’</p> <p>Q5f) amend and add the following wording - The primary activity undertaken in the premises is the general retail sale of the following: Groceries; confectionery, bread &amp; cakes, crisps/snacks, non-foods, toiletries, frozen &amp; chilled foods, fruit/vegetables/flowers, news &amp; magazines, toys, tobacco &amp; cigarettes, beers/wine/spirits and other alcoholic products, non-alcoholic drinks. Charity collection point and charitable events take place. Food to Go. Click &amp; Collect. Home Deliveries. Paypoint payment. National Lottery outlet. External automated cash machine. Sampling &amp; promotional activities.’</p> <p>Q7) amend capacity to 28.39m<sup>2</sup></p> <p><b><u>Layout Plan</u></b></p> <p>Reconfiguration of store resulting in an increase in the alcohol display capacity to 28.39m<sup>2</sup></p>
<p><b>Last Date for Objections/Representations</b></p>	<p><b>Friday 17 June 2022</b></p>

Appendix 5

**Stewartry Divisional Licensing Board**  
**Application for Variation of Premises Licence**

<b>Applicant/Agent</b>	Kirkcudbright Bowling Club Church Place Kirkcudbright DG6 4AF
<b>Address of Premises</b>	Kirkcudbright Bowling Club Church Place Kirkcudbright DG6 4AF
<b>Nature of Variation</b>	<p><b><u>Operating Plan</u></b></p> <ul style="list-style-type: none"> <li>• Remove Seasonal Variations</li> <li>• <b>Music</b> – Yes – within core hours</li> <li>• <b>Live Performance</b> – Yes – within core hours</li> <li>• <b>Dance</b> – yes – within core hours</li> <li>• <b>Indoor/outdoor Sports</b> – Yes – outwith core hours</li> <li>• <b>TV Sports</b> – Yes – within core hours</li> <li>• <b>Outdoor Drinking</b> – Yes – outwith core hours</li> <li>• <b>Any Other Activities</b> – Yes – Bingo and Indoor/Outdoor Sports, Fundraising &amp; Community Events – Food provided by outside caterers &amp; club members</li> <li>• <b>Change Children &amp; Young Persons</b> - Yes <ul style="list-style-type: none"> <li>○ <b>TERMS</b> – 0-12 years accompanied by an adult; 13-17 years unaccompanied until 8pm then accompanied thereafter.</li> <li>○ <b>AGES</b> – 0-17 years</li> <li>○ <b>TIMES</b> – 9am until 8pm unless attending a social function then terminal hour for al ages</li> <li>○ <b>PARTS</b> – All public parts of the premises</li> </ul> </li> <li>• <b>Activities</b> – Yes – Clubhouse open prior to 11am core hours, to provide tea/coffee, in outdoor/indoor area,</li> </ul>

# Agenda Item 3

PUBLIC

	outwith core hours, together with indoor/outdoor sports.
<b>Last Date for Objections/Representations</b>	<b>Friday 12 August 2022</b>

**DUMFRIES AND GALLOWAY LICENSING BOARDS  
STEWARTRY DIVISIONAL LICENSING BOARD**

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**THE LICENSING (SCOTLAND) ACT 2005 SECTION 56 AND 68  
APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS  
GRANTED UNDER DELEGATED AUTHORITY**

For the information of the Licensing Board, during the period from 10 August 2022 until 21 September 2022 the following Occasional Licences and Extended Hours were granted:

**Occasional Licences: Applied for by a Personal Licence Holder**

Total number issued 47

**Occasional Licences: Applied for by a Premises Licence Holder**

Total number issued 0

**Occasional Licences: Applied for by a Voluntary Organisation**

Total number issued 4

**Extended Hours**

Total number issued 0

Cheryl Syme  
Senior Licensing Officer (Board Services)  
Licensing  
Ext: 63353

Vlad Valiente  
Clerk to the Licensing Boards  
Council Offices  
Municipal Chambers  
Buccleuch Street, Dumfries

Date of Report: 28 September 2022

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
STEWARTRY DIVISIONAL LICENSING BOARD**

**THE LICENSING (SCOTLAND) ACT 2005: SECTION 29  
APPLICATIONS FOR MINOR VARIATION OF PREMISES LICENCES  
GRANTED UNDER DELEGATED AUTHORITY**

<b><u>Application No. 1 – Ref 0127S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	TLT Solicitors For Alistair Wallace Investments Limited Crown Filling Station Queen Street Castle Douglas DG7 1HX
<b>Name &amp; Address of Premises</b>	Crown Filling Station Queen Street Castle Douglas DG7 1HX
<b>Nature of variation</b>	Change of Designated Premises Manager to Tracey Ann Jardine
<b>Effective Date of Minor Variation</b>	24 August 2022

<b><u>Application No. 2 – Ref 0052S</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	CJ Lang & Son Limited 78 Longtown Road Dundee DD4 8JU
<b>Name &amp; Address of Premises</b>	Shop at the Cross High Street Dalbeattie DG5 4HD
<b>Nature of variation</b>	Change of Designated Premises Manager to Marie McMinn and change of premises name to 'Spar'
<b>Effective Date of Minor Variation</b>	25 August 2022

Cheryl Syme  
Senior Licensing Officer (Board Services)  
Licensing

Ext: 63353

Vlad Valiente  
Clerk to the Licensing Boards  
Municipal Chambers  
Buccleuch Street  
Dumfries DG1 2AD

Date of Report: 28 September 2022

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
STEWARTRY DIVISIONAL LICENSING BOARD**

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**THE LICENSING (SCOTLAND) ACT 2005 : SECTION 28(6)  
SURRENDER OF PREMISES LICENCE**

<b><u>No. 1 – Ref 0012S</u></b>	
<b>Name &amp; Address of Licence Holder</b>	Drummond Legal LLP For High Street Apartment Hotel Group Limited 14 Rutland Square Edinburgh EH1 2BD
<b>Name &amp; Address of Premises</b>	Royal Hotel 50 St Cuthbert Street Kirkcudbright DG27 8DH
<b>Date Licence Surrendered</b>	23 August 2022

Cheryl Syme  
Senior Licensing Officer (Board Services)  
Licensing  
Ext: 63373

Vlad Valiente  
Clerk to the Licensing Boards  
Municipal Chambers  
Buccleuch Street  
Dumfries DG1 2AD

Date of Report: 28 September 2022

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
STEWARTRY DIVISIONAL LICENSING BOARD**

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**LICENSING (SCOTLAND) ACT 2005: SECTION 23**

**APPLICATION: NEW PREMISES LICENCE**

**PREMISES: AUCHENCAIRN COMMUNITY STORE, HEUGHAN HOUSE, MAIN STREET, AUCHENCAIRN**

**APPLICANT: AUCHENCAIRN INITIATIVE, HEUGHAN HOUSE, MAIN STREET, AUCHENCAIRN**

**1. Reason for Report**

1.1 As this is an application for a new premises licence, the Board is statutorily obliged to hold a Hearing.

1.2 Members are asked to consider the application for a new premises licence received on 7 July 2022 and detailed in **Appendix 1** to this report.

**2. Background**

2.1 A copy of the application was forwarded to the following:

- Police Scotland
- The Local Authority
- Scottish Fire and Rescue Service
- NHS Dumfries & Galloway
- Local Community Council
- Neighbours – persons having notifiable interest in neighbouring land (within 4 metres in any direction of any boundary of the premises)

2.2 In terms of the law, the Board is obliged to advertise notice of the application on its website for a continuous period of 21 days. The dates of display were **Friday 2 September 2022 until Saturday 24 September 2022.**

2.3 The applicant is also obliged to display a site notice of A4 size at or near the premises in a place and at a height where the notice can conveniently be read by the public on the same dates as the Board's notice.

2.4 On expiry of the 21-day advertising period the applicant must submit to the Board signed Confirmation of Site Notice before the Board may determine the application.

2.5 Signed Confirmation of Site Notice has yet been received.

2.6 Satisfactory Section 50 Certificates for Planning, Building Standards and Food Hygiene have been received and a Disabled Access and Facilities Statement has also been received.

**3. Objections and Representations**

3.1 The last date for objections/representations for the application was **Friday 23 September 2022.**

3.2 No objections or representations have been received.

## 4. Responses

- LSO report: no adverse comments (**Appendix 2**)
- Police Scotland: clear report
- Planning: no planning issues
- Building Standards: no adverse comments
- Environmental Health: no adverse comments
- Scottish Fire and Rescue Service: no comments

## 5. Determination of the application

5.1 The Board must, in considering and determining an application, consider whether any of the grounds for refusal apply.

- (i) If no ground or refusal applies, then the Board must GRANT the application
- (ii) If any ground of refusal applies, the Board must REFUSE the application

5.2 In terms of section 23 (5) the grounds for refusal are:-

- The premises are excluded premises
- The application must be refused under
  - Section 25(2) (where the Board has refused a premises licence and this is a subsequent application received within 12 months of the refusal)
  - Section 64(2) (where the application is for 24 hour operation and exceptional circumstances have not been shown to justify that operation)
  - Section 65(3) (the application relates to off sales outwith 10am to 10pm)
- That the Licensing Board considers, having regard to the licensing objectives, that the applicant is *not a fit and proper person to be the holder of a premises licence*;
- The Licensing Board considers that the granting of the application would otherwise , be inconsistent with one or more of the licensing objectives, namely: (preventing crime and disorder/securing public safety/preventing public nuisance/protecting and improving public health/protecting children and young persons from harm);
- That having regard to:-
  - i) The nature of the activities proposed to be carried on in the premises
  - ii) the location, character and condition of the premises; and
  - iii) the persons likely to frequent the premisesthe Board considers that the premises are unsuitable for use for the sale of alcohol
- The Board considers that that, if the application were to be granted, there would, as a result, be overprovision of licensed premise in the locality.

## 6. Recommendation

Members are asked to either GRANT or REFUSE the application.

Vladimir Valiente  
Clerk to the Licensing Boards  
Council Offices  
Municipal Chambers  
Buccleuch Street, Dumfries

28 September 2022

**Appendix 1**

<b>Applicant/Agent</b>	Auchencairn Initiative Heughan House Main Street Auchencairn Castle Douglas DG7 1QU
<b>Address of Premises</b>	Auchencairn Community Store Heughan House Main Street Auchencairn Castle Douglas DG7 1QU
<b>Description</b>	Small village community store comprising grocery store, kitchen area, café and outside seating area.
<b>Core Times</b>	<p><u>On Sales</u></p> <p>Monday 10.00am – 10.00pm  Tuesday 10.00am – 10.00pm  Wednesday 10.00am – 10.00pm  Thursday 10.00am – 10.00pm  Friday 10.00am – 10.00pm  Saturday 10.00am – 10.00pm  Sunday 10.00am – 10.00pm</p> <p><u>Off Sales</u></p> <p>Monday 10.00am – 10.00pm  Tuesday 10.00am – 10.00pm  Wednesday 10.00am – 10.00pm  Thursday 10.00am – 10.00pm  Friday 10.00am – 10.00pm  Saturday 10.00am – 10.00pm  Sunday 10.00am – 10.00pm</p>
<b>Activities</b>	<p>Restaurant facilities, Receptions, Clubs and other group activities, Recorded Music, Live Performances and Outdoor Drinking Facilities both within and outwith core licensed hours</p> <p><b>Outwith Core Hour information</b> - small café/tearoom which opens from 8am. Will be used occasionally for small</p>

	<p>day/evening gatherings.</p> <p><b>Any Other Activities</b> – The sale of general groceries, crafts and other household commodities, Post Office facilities</p>
<b>Children and Young Persons</b>	<p><b>TERMS</b> – Under 16s accompanied by an adult (on sales). 16–17-year-olds unaccompanied (on sales)</p> <p><b>AGES</b> – All ages</p> <p><b>TIMES</b> – Normal shop/café hours are 8am- 6pm. During social events these times may be extended to 10pm</p> <p><b>PARTS</b> – All public parts</p>
<b>Capacity</b>	<p>20 indoors 16 outdoors</p> <p>4.5m<sup>2</sup> - off sale capacity</p>
<b>Last Date for Objections/Representations</b>	Friday 23 September 2022

**DUMFRIES & GALLOWAY LICENSING BOARDS  
LICENSING STANDARDS OFFICER REPORT**

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**LICENSING (SCOTLAND) ACT 2005 :  
APPLICATION FOR PREMISES LICENCE  
PREMISES: AUCHENCAIRN COMMUNITY STORE, HEUGHAN HOUSE, MAIN  
STREET, AUCHENCAIRN  
APPLICANT: AUCHENCAIRN INITIATIVE**

1. This new application involves the provision of on and off sales in a small village community shop located on the Main Street in the village of Auchencairn.

2. The hours applied for are:-

Off-sales Monday to Sunday 10am to 10pm  
On-sales Monday to Sunday 10am to 10pm.

2.1 There is a general presumption against the sale of alcohol outwith the hours of 10.30am to midnight for consumption on the premises. As such, the operating hour of 10am is outwith the Stewartry licensing hours policy.

2.2 The premises generally open 8am to 6pm Monday to Sunday, however, the applicant has requested the 10pm terminal hour to allow for occasional evening gatherings in the café/tearoom.

3. Auchencairn Initiative was initially set up by a group of residents with the aim of saving the local post office. Membership is open to anyone living in Auchencairn and to date the group maintain a number of community assets in the village including Heughan House, the community hub.

4. The premises comprise a grocery store, kitchen area, café and outside seating area. Post Office services are provided one day per week.

5. The proposed alcohol display area capacity is 3m x 1.5m square metres and complies with mandatory condition 13(1)(b).

- a single area of the premises which is inaccessible to the public. For ease of reference a copy of the layout plan is enclosed.

5.1 There is capacity for 20 customers within the café with a maximum capacity of 16 in the outdoor seating area.

6. The initiative acquired the shop in April 2022 and is currently running on Occasional Licences offering a small range of alcoholic drinks. There are no other off sale premises in the village.

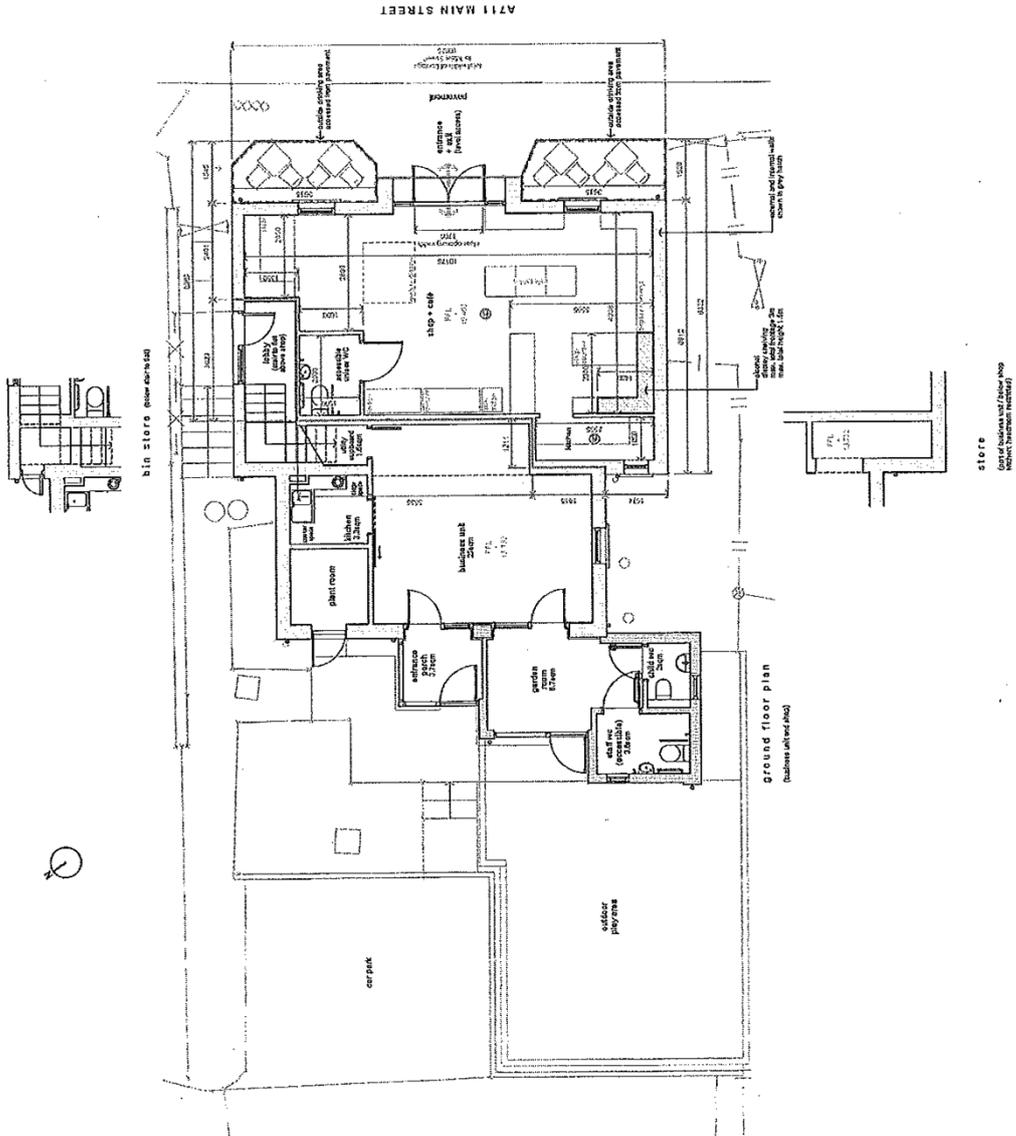
7. The application was advertised on the Board's website page from Friday 2 September 2022. Simultaneously a notice must be displayed at the premises.

7.1 The Notice was checked on 9 September 2022 at which time was displayed prominently at the entrance of the premises.

8. I have no adverse comments to make.

*Mary Irving*  
Licensing Standards Officer

15 September 2022



**KEY**

- BOUNDARY OF LICENSED PREMISES  
Brewery, Tavern, Public House, etc.
- EXTENT OF AREAS TO WHICH THE PUBLIC  
ACCESS IS PERMITTED
- HEIGHT OF TYPICAL DISPLAY SHELVING  
max. clear height 1.8m
- EXTENT OF OUTSIDE SEATING AREAS  
Level of table display measured from the surrounding  
ground level
- ENTRANCE - DOOR
- CELLING INDICATED SINGLE DIRECTOR - ALUMINUM
- EXTERNAL INTERNAL WALLS

USE ALL DIMENSIONS AS IN MILLIMETRES (mm)  
UNLESS NOTED OTHERWISE

<p>PROJECT NAME <b>HEUGHAN HOUSE, MAIN STREET, ALCHENCAIRN</b></p> <p>ARCHITECT <b>GRAEME DITCHBURN - ARCHITECT</b></p> <p>DATE <b>13.05.2022</b></p> <p>SCALE <b>1:50 @ A1/1192 @ A3</b></p>		<p>CLIENT <b>USAC FOODS, LAURENCE CASTLE DOUGLAS, DOUGLAS</b></p> <p>PROJECT <b>LICENSING PLAN FOR SHOP / CAFE</b></p>
<p>DATE <b>13.05.2022</b></p> <p>SCALE <b>1:50 @ A1/1192 @ A3</b></p>	<p>PROJECT NAME <b>HEUGHAN HOUSE, MAIN STREET, ALCHENCAIRN</b></p> <p>ARCHITECT <b>GRAEME DITCHBURN - ARCHITECT</b></p> <p>DATE <b>13.05.2022</b></p> <p>SCALE <b>1:50 @ A1/1192 @ A3</b></p>	<p>CLIENT <b>USAC FOODS, LAURENCE CASTLE DOUGLAS, DOUGLAS</b></p> <p>PROJECT <b>LICENSING PLAN FOR SHOP / CAFE</b></p>

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
STEWARTRY DIVISIONAL LICENSING BOARD**

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**LICENSING (SCOTLAND) ACT 2005: SECTION 23**

**APPLICATION: NEW PREMISES LICENCE**

**PREMISES: GATHER, LAGGAN, GATEHOUSE OF FLEET**

**APPLICANT: LAGGAN OUTDOOR LTD, GATEHOUSE OF FLEET, CASTLE DOUGLAS**

**1. Reason for Report**

1.1 As this is an application for a new premises licence, the Board is statutorily obliged to hold a Hearing.

1.2 Members are asked to consider the application for a new premises licence received on 29 August 2022 and detailed in **Appendix 1** to this report.

**2. Background**

2.1 A copy of the application was forwarded to the following:

- Police Scotland
- The Local Authority
- Scottish Fire and Rescue Service
- NHS Dumfries & Galloway
- Local Community Council
- Neighbours – persons having notifiable interest in neighbouring land (within 4 metres in any direction of any boundary of the premises) – for this application, there were no neighbours to notify

2.2 In terms of the law, the Board is obliged to advertise notice of the application on its website for a continuous period of 21 days. The dates of display were **Friday 2 September 2022 until Saturday 24 September 2022.**

2.3 The applicant is also obliged to display a site notice of A4 size at or near the premises in a place and at a height where the notice can conveniently be read by the public on the same dates as the Board's notice.

2.4 On expiry of the 21-day advertising period the applicant must submit to the Board signed Confirmation of Site Notice before the Board may determine the application.

2.5 At the time of writing this report no signed Confirmation of Site Notice confirming the above has yet been received.

2.6 Satisfactory Section 50 Certificates for Planning, Building Standards and Food Hygiene have been received and a Disabled Access and Facilities Statement has also been received.

**3. Objections and Representations**

3.1 The last date for objections/representations for the application was **Friday 23 September 2022.**

3.2 No objections have been received.

## 4. Responses

- LSO report: no adverse comments (**Appendix 2**)
- Police Scotland: clear report
- Planning: Representation (**Appendix 3**)
- Building Standards: no adverse comments
- Environmental Health: no objections
- Scottish Fire and Rescue Service: no comments

## 5. Determination of the application

5.1 The Board must, in considering and determining an application, consider whether any of the grounds for refusal apply.

- (i) If no ground or refusal applies, then the Board must GRANT the application
- (ii) If any ground of refusal applies, the Board must REFUSE the application

5.2 In terms of section 23 (5) the grounds for refusal are:-

- The premises are excluded premises
- The application must be refused under
  - Section 25(2) (where the Board has refused a premises licence and this is a subsequent application received within 12 months of the refusal)
  - Section 64(2) (where the application is for 24 hour operation and exceptional circumstances have not been shown to justify that operation)
  - Section 65(3) (the application relates to off sales outwith 10am to 10pm)
- That the Licensing Board considers, having regard to the licensing objectives, that the applicant is *not a fit and proper person to be the holder of a premises licence*;
- The Licensing Board considers that the granting of the application would otherwise , be inconsistent with one or more of the licensing objectives, namely: (preventing crime and disorder/securing public safety/preventing public nuisance/protecting and improving public health/protecting children and young persons from harm);
- That having regard to:-
  - i) The nature of the activities proposed to be carried on in the premises
  - ii) the location, character and condition of the premises; and
  - iii) the persons likely to frequent the premisesthe Board considers that the premises are unsuitable for use for the sale of alcohol
- The Board considers that that, if the application were to be granted, there would, as a result, be overprovision of licensed premise in the locality.

## 6. Recommendation

Members are asked to either GRANT or REFUSE the application.

Vladimir Valiente  
Clerk to the Licensing Boards  
Council Offices  
Municipal Chambers  
Buccleuch Street, Dumfries

28 September 2022

**Appendix 1**

<b>Applicant/Agent</b>	Laggan Outdoor Ltd Gatehouse of Fleet Castle Douglas DG7 2ES
<b>Address of Premises</b>	Gather Laggan Gatehouse of Fleet Castle Douglas DG7 2ES
<b>Description</b>	Gather is a restaurant/bistro based at Laggan.
<b>Core Times</b>	<p><u>On Sales</u></p> <p>Monday 10.30am – 12am or 1am for app function  Tuesday 10.30am – 12am or 1am for app function  Wednesday 10.30am – 12am or 1am for app function  Thursday 10.30am – 12am or 1am for app function  Friday 10.30am – 12am or 1am for app function  Saturday 10.30am – 12am or 1am for app function  Sunday 10.30am – 12am or 1am for app function</p> <p><u>Off Sales</u></p> <p>Monday 12noon – 10.00pm  Tuesday 12noon – 10.00pm  Wednesday 12noon – 10.00pm  Thursday 12noon – 10.00pm  Friday 12noon – 10.00pm  Saturday 12noon – 10.00pm  Sunday 12noon – 10.00pm</p>
<b>Activities</b>	<p>Conference facilities, Restaurant facilities, Receptions and Club/Group Meetings both within and outwith core hours</p> <p>Recorded Music, Live Performances, Dance Facilities, Theatre, Films, Gaming, Televised Sport and Outdoor Drinking Facilities within core hours.</p> <p><b>Outwith Core Hour information</b> – Provide breakfast, teas &amp; coffees and soft drinks outwith core licensed hours.</p> <p><b>Any Other Activities</b> – Workshops, charity events,</p>

	afternoon tea, gin nights, film viewing, plays, viewing of major sporting events.
<b>Children and Young Persons</b>	<p><b>TERMS</b> – Children (0-15) must be accompanied by an adult. Young Persons (16&amp;17) can be unaccompanied</p> <p><b>AGES</b> – All ages</p> <p><b>TIMES</b> – Children and Young Persons will be allowed access and entry at all times during opening times. These can be between 0900 and midnight daily.</p> <p><b>PARTS</b> – Café/bistro, hallway, toilets, private dining room and outside seating area and terrace.</p>
<b>Capacity</b>	<p>160</p> <p>80 – indoors</p> <p>80 - outdoors</p>
<b>Last Date for Objections/Representations</b>	Friday 23 September 2022

**DUMFRIES & GALLOWAY LICENSING BOARDS  
LICENSING STANDARDS OFFICER REPORT**

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**LICENSING (SCOTLAND) ACT 2005 :  
APPLICATION FOR PREMISES LICENCE  
PREMISES: GATHER, LAGGAN, GATEHOUSE OF FLEET  
APPLICANT: LAGGAN OUTDOOR LTD, GATEHOUSE OF FLEET**

1. This new application involves the provision of on/off sales in a new build restaurant/bistro based at Laggan, Gatehouse of Fleet

1.2 The restaurant has been built to an extremely high standard and is set within a 1000 acre estate.

1.3 Whilst not part of the application, the estate also houses the wedding Venue GG's yard, together with on site holiday accommodation.

2. Satisfactory Section 50 Certificates from Planning, Building Standards and Food Hygiene accompanied the application.

3. The premises has a capacity of 160 in total. 80 persons inside and 80 persons outside and comprises one level.

4. The hours applied for are :-

- On sales - 10.30 am to midnight Monday to Sunday and 1am for approved functions
- Off Sales – 12 noon to 10pm Monday to Sunday

all of which are within the licensing hours policy of the Stewartry Divisional Licensing Board.

5. At present the premises are running on Occasional Licences to allow the sale of alcohol with effect from 15 October 2020. The Board has not been made aware of any complaints relating to sale of alcohol under those Occasional Licences.

6. A range of activities have been included in the operating plan such as Workshops, charity events, afternoon tea, gin nights, film viewing, plays and viewing of major sporting events.

7. The application was advertised on the Board's website page from Friday 2 September, 2022. At that same time a notice must be displayed at the premises.

7.1 A visit was made on 9 September, 2022 at which time the notice was correctly displayed.

8. I have no adverse comments to make in respect of this application.

*Mary Irving*  
Licensing Standards Officer

15 September 2022

# Internal Memo

Planning and Environment – Planning and Building Standards

31/8/2022

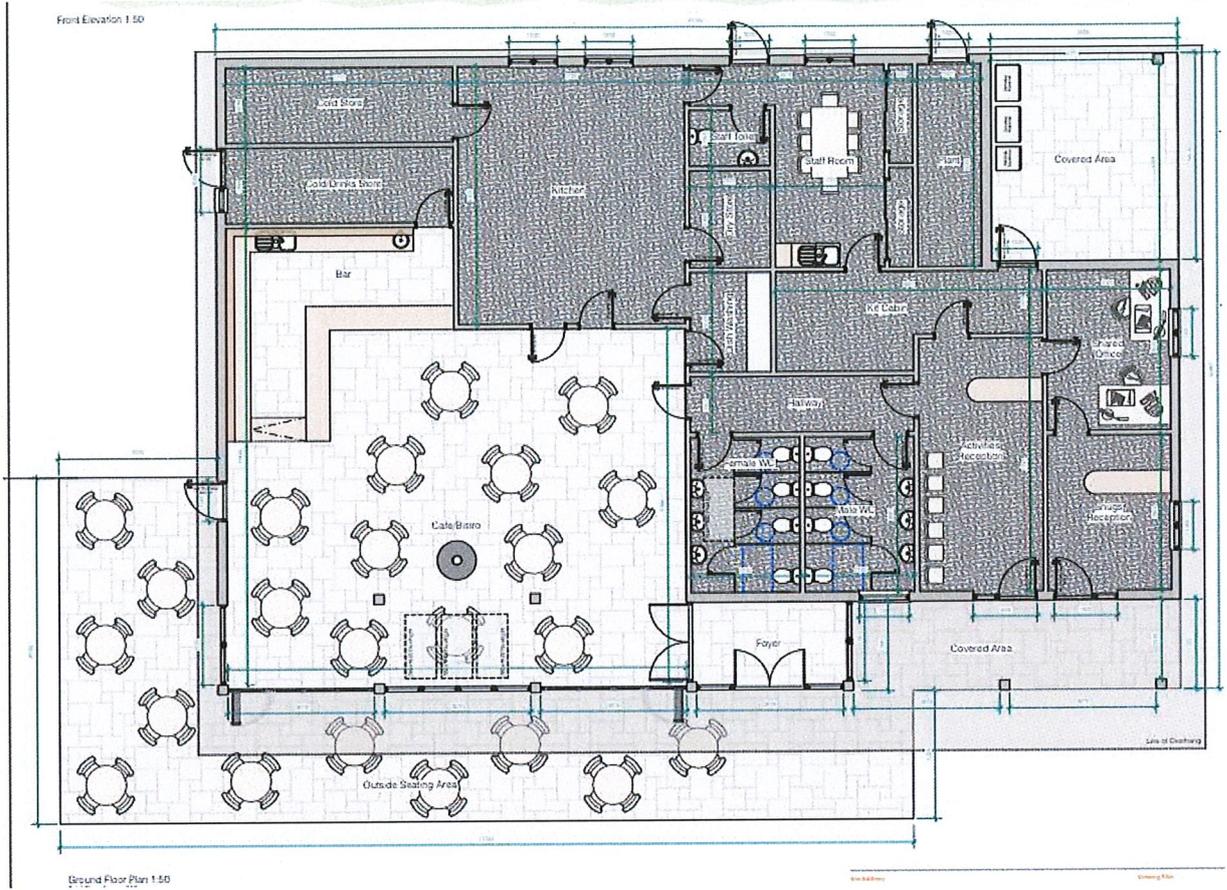
To: Senior Licensing Officer (Development), Chief Executive Service, Municipal Chambers, Dumfries      Your ref:

Drop Point: **261**

From: Jessica Taylor, Minor Team Leader, Kirkbank House, English Street, Dumfries      Our ref: LC2166

**DUMFRIES & GALLOWAY LICENSING BOARDS  
APPLICATION FOR PREMISES LICENCE  
APPLICANT: LAGAN OUTDOOR LTD, GATEHOUSE OF FLEET  
PREMISE: GATHER, LAGGAN, GATEHOUSE OF FLEET**

I refer to your recent consultation in relation to the above. Whilst the Development Management Service has no objection in principle to the grant of a licence to the applicant, it is noted that the external seating/dining area shown on the floor plan provided by you does not accord with the outdoor seating/dining area approved by Planning Permission 19/1294/FUL (see approved floor plan below). As Planning Permission may be required for the extension of the outdoor seating/dining area, it is recommended that the applicant seeks clarification on the matter via submission of either a permitted development or pre-application enquiry.



**DUMFRIES AND GALLOWAY LICENSING BOARDS  
STEWARTRY DIVISIONAL LICENSING BOARD**

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**LICENSING (SCOTLAND) ACT 2005: SECTION 23**

**APPLICATION: NEW PREMISES LICENCE**

**PREMISES: HARRIS & CO, 111 KING STREET, CASTLE DOUGLAS**

**APPLICANT: LYNSEY HOGG & CHRISTOPHER BAIN (PARTNERSHIP), 19 QUEEN ELIZABETH DRIVE, CASTLE DOUGLAS**

**1. Reason for Report**

1.1 As this is an application for a new premises licence, the Board is statutorily obliged to hold a Hearing.

1.2 Members are asked to consider the application for a new premises licence received on 31 August 2022 and detailed in **Appendix 1** to this report.

**2. Background**

2.1 A copy of the application was forwarded to the following:

- Police Scotland
- The Local Authority
- Scottish Fire and Rescue Service
- NHS Dumfries & Galloway
- Local Community Council
- Neighbours – persons having notifiable interest in neighbouring land (within 4 metres in any direction of any boundary of the premises)

2.2 In terms of the law, the Board is obliged to advertise notice of the application on its website for a continuous period of 21 days. The dates of display were **Saturday 10 September 2022 until Sunday 2 October 2022**.

2.3 The applicant is also obliged to display a site notice of A4 size at or near the premises in a place and at a height where the notice can conveniently be read by the public on the same dates as the Board's notice.

2.4 On expiry of the 21-day advertising period the applicant must submit to the Board signed Confirmation of Site Notice before the Board may determine the application.

2.5 As this report is being written during the advertising period no signed Confirmation of Site Notice confirming the above has yet been received.

2.6 Satisfactory Section 50 Certificates for Planning, Building Standards and Food Hygiene have been received and a Disabled Access and Facilities Statement has also been received.

**3. Objections and Representations**

3.1 The last date for objections/representations for the application was **Saturday 1 October 2022**.

3.2 At the time of writing this report no objections or representations have been received.

## 4. Responses

- LSO report: no adverse comments (**Appendix 2**)
- Police Scotland: clear report
- Planning: no planning issues
- Building Standards: no adverse comments
- Environmental Health: no objections
- Scottish Fire and Rescue Service: no comments

## 5. Determination of the application

5.1 The Board must, in considering and determining an application, consider whether any of the grounds for refusal apply.

- (i) If no ground or refusal applies, then the Board must GRANT the application
- (ii) If any ground of refusal applies, the Board must REFUSE the application

5.2 In terms of section 23 (5) the grounds for refusal are:-

- The premises are excluded premises
- The application must be refused under
  - Section 25(2) (where the Board has refused a premises licence and this is a subsequent application received within 12 months of the refusal)
  - Section 64(2) (where the application is for 24 hour operation and exceptional circumstances have not been shown to justify that operation)
  - Section 65(3) (the application relates to off sales outwith 10am to 10pm)
- That the Licensing Board considers, having regard to the licensing objectives, that the applicant is *not a fit and proper person to be the holder of a premises licence*;
- The Licensing Board considers that the granting of the application would otherwise , be inconsistent with one or more of the licensing objectives, namely: (preventing crime and disorder/securing public safety/preventing public nuisance/protecting and improving public health/protecting children and young persons from harm);
- That having regard to:-
  - i) The nature of the activities proposed to be carried on in the premises
  - ii) the location, character and condition of the premises; and
  - iii) the persons likely to frequent the premisesthe Board considers that the premises are unsuitable for use for the sale of alcohol
- The Board considers that that, if the application were to be granted, there would, as a result, be overprovision of licensed premise in the locality.

## 6. Recommendation

Members are asked to either GRANT or REFUSE the application.

Vladimir Valiente  
Clerk to the Licensing Boards  
Council Offices  
Municipal Chambers  
Buccleuch Street, Dumfries

28 September 2022

**Appendix 1**

<b>Applicant/Agent</b>	Partnership of Lynsey Hogg & Christopher Bain 19 Queen Elizabeth Drive Castle Douglas DG7 1HH
<b>Address of Premises</b>	Harris & Co 111 King Street Castle Douglas DG7 1LZ
<b>Description</b>	Wine deli shop retail premises offering off sales of alcohol alongside luxury and local deli produce. The premises will also be used to hold wine tasting events approximately once a week where the customer buys a ticket for consumption of wine on the premises as on sales. The premises is located on King Street in Castle Douglas which is the main shopping street in the town.
<b>Core Times</b>	<p><u>On Sales</u></p> <p>Monday 12.00pm – 10.00pm  Tuesday 12.00pm – 10.00pm  Wednesday 12.00pm – 10.00pm  Thursday 12.00pm – 10.00pm  Friday 12.00pm – 10.00pm  Saturday 12.00pm – 10.00pm  Sunday 12.00pm – 10.00pm</p> <p><u>Off Sales</u></p> <p>Monday 10.00am – 10.00pm  Tuesday 10.00am – 10.00pm  Wednesday 10.00am – 10.00pm  Thursday 10.00am – 10.00pm  Friday 10.00am – 10.00pm  Saturday 10.00am – 10.00pm  Sunday 10.00am – 10.00pm</p>
<b>Activities</b>	Recorded Music within core hours  <b>Any Other Activities</b> – We will provide wine tasting ticketed events which will be held approximately once per week . Customers will then be able to purchase wine to take off the

	premises until 10pm. Deli snacks are provided with the wine tasting.
<b>Children and Young Persons</b>	<b>N/A</b>
<b>Capacity</b>	On Sales – 20 persons Off Sales – 43.75m <sup>2</sup>
<b>Last Date for Objections/Representations</b>	Saturday 1 October 2022

**DUMFRIES & GALLOWAY LICENSING BOARDS  
LICENSING STANDARDS OFFICER REPORT**

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**LICENSING (SCOTLAND) ACT 2005 :  
APPLICATION FOR PREMISES LICENCE  
PREMISES: HARRIS & CO, 111 KING STREET, CASTLE DOUGLAS  
APPLICANT: LYNSEY HOGG & CHRISTOPHER BAIN**

1. This new application involves the provision of on/off sales in a small independent family owned wine shop and delicatessen situated on the Main Street in Castle Douglas.

1.1 The shop offers a large range of wines, spirits, local beer and ciders.

1.2 A range of artisan and traditional cheeses, meats, treats and nibbles are also available.

1.3 Gift packs and hampers are also offered both instore and online.

1.4 Wine tasting evenings will be held approximately once per week for a maximum of 20 customers. These events will be ticketed only.

2. The hours applied for are:-

- On Sales Monday to Sunday 12 noon to 10pm
- Off Sales Monday to Sunday 10am to 10pm which are within the licensing hours policy of the Stewartry Divisional Licensing Board.

2.1 The premises will generally open 10am to 5pm however, the applicant has requested 10pm terminal hour to allow for the wine tasting evenings.

3. The proposed total capacity of the alcohol display area is 43.75 sq metres.

3.1 Members will be aware, mandatory condition 13(1) states

“..... alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following:-

- (a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or
- (b) a single area of the premises which is inaccessible to the public.”

3.2 The shop display areas comprise:

- Window display which has been screened off to prevent access by customers
- Main display area on left wall and middle aisle.

For ease of reference a copy of the layout plan is enclosed together with photographs of the layout.

3.3 Should Members agree these areas, this would allow promotion of alcohol in the window display, something that Scottish Government guidance discourages.

3.4 Mandatory conditions 1B to 1D refers-

“(1B) Any drinks promotion on the premises may take place only in any one or more of the following—

(a) an area referred to in sub-paragraph (1)(a) and (b),

(b) a room on the premises which is used for offering the tasting of any alcohol sold on the premises (for consumption off the premises) and the resulting tasting and is separate from those areas.

(1C) A drinks promotion in connection with the premises may not take place in the vicinity of the premises.

(1D) For the purposes of sub-paragraph (1C), the “vicinity” means the area extending 200 metres from the boundary of the premises (as shown on the layout plan).”

3.5 A “drinks promotion” is defined as “...any activity which promotes, or seeks to promote, the buying of any alcohol sold on the premises for consumption off the premises...”

3.6 In my opinion, given the type of shop and the products sold, it would be very unlikely to cause any issues in this case.

4. At present the premises are operating by use of Occasional Licences to allow the sale of alcohol with effect from 1 February 2020.

4.1 The shop has operated without any issues, problems or concerns from a licensing perspective.

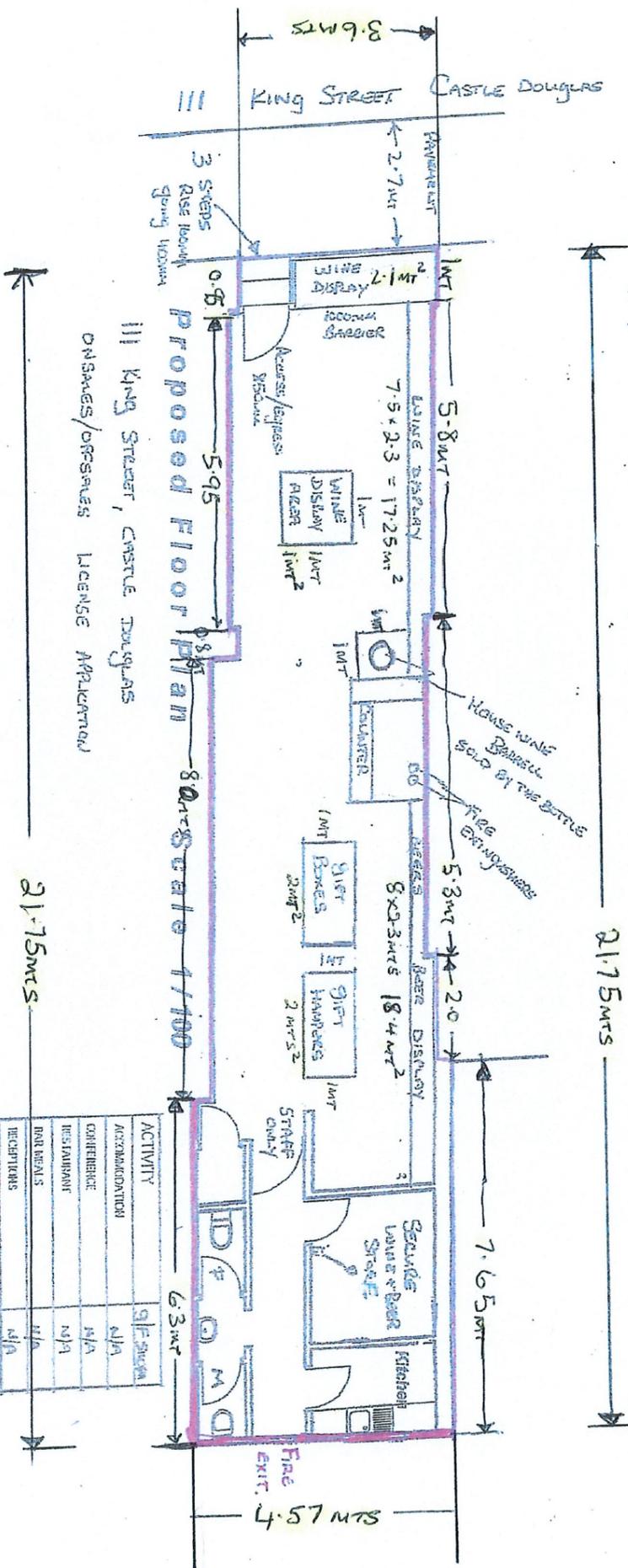
5. The application was advertised on the Board’s website page from Saturday 10 September 2022. At the same time a notice must be displayed at or near the premises. The last day for lodging an objection being Monday 1 October 2022.

5.1 A visit was made to the premises on 22 September 2022. The notice was correctly displayed at that time in the shop window.

6. I have no adverse comments.

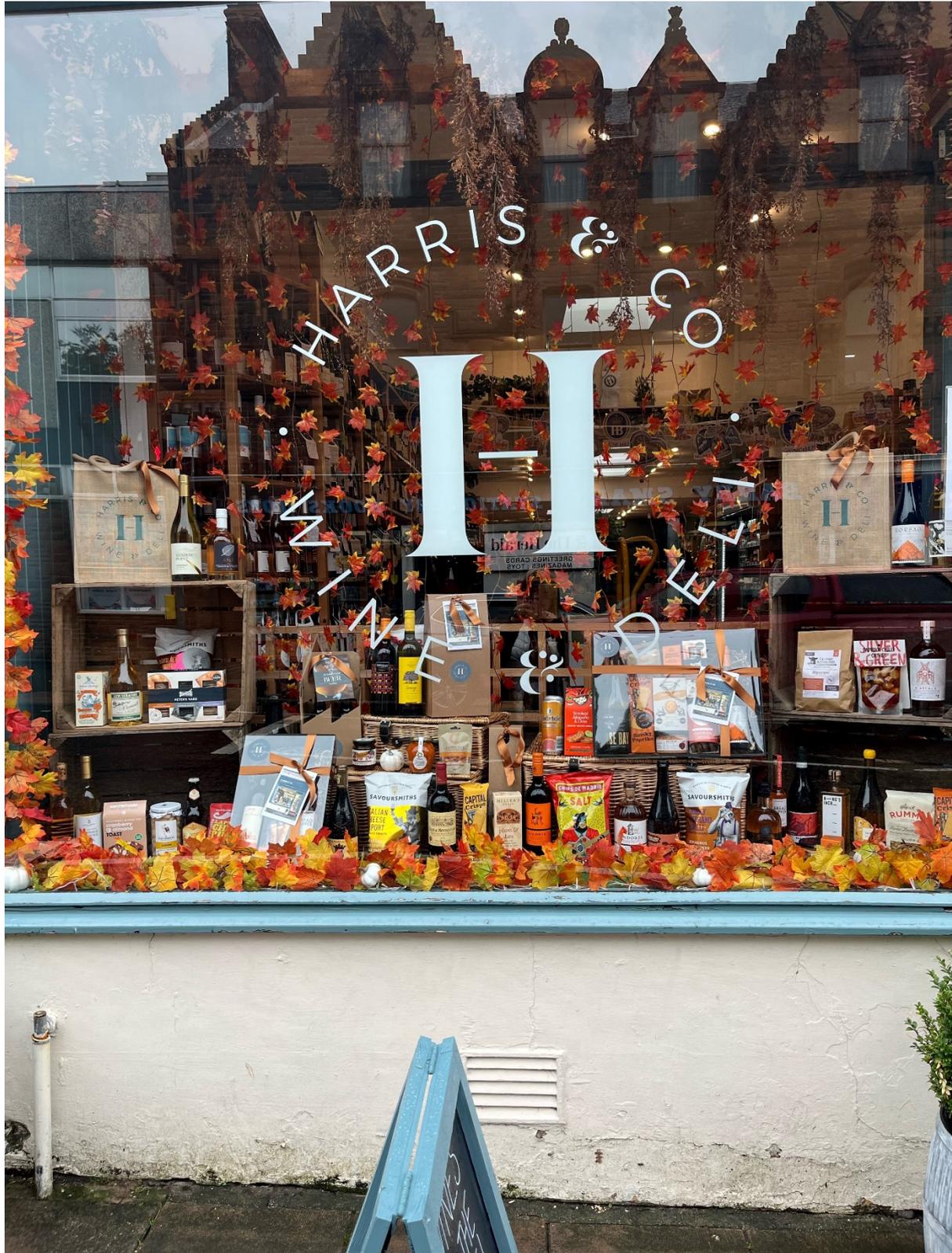
*Mary Irving*  
Licensing Standards Officer

23 September 2022



ACTIVITY	9/1-20/24
ACCOMMODATION	N/A
CONFERENCE	N/A
RESTAURANT	N/A
BAR BEV'S	N/A
RECEPTIONS	N/A
CLUB MEETINGS	N/A
RECORDED MUSIC	✓
LIVE PERFORMANCES	N/A
DANCE FACILITIES	N/A
THEATRE / FILM	N/A
TRAINING	N/A
BARBECUE	N/A
TELEVISION SPORTS	N/A
COMPARED TO PREVIOUS	N/A
APPL. 1 (1/1/2014/2015)	N/A
< 100 HOURS / YEARS PERIOD	N/A
VALID TASTINGS	✓











**DUMFRIES AND GALLOWAY LICENSING BOARDS  
STEWARTRY DIVISIONAL LICENSING BOARD**

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**LICENSING (SCOTLAND) ACT 2005: SECTION 30**

**APPLICATION: MAJOR VARIATION**

**PREMISES: SPAR, HIGH STREET, DALBEATTIE**

**PREMISES LICENCE HOLDER: C J LANG AND SON LIMITED, 78 LONGTOWN ROAD, DUNDEE**

**1. Reason for Report**

1.1 As this is a major variation application, the Board is statutorily obliged to hold a Hearing.

1.2 Members are asked to consider the application received 30 August 2022 and detailed in **Appendix 1** to this report.

**2. Background**

2.1 As is required by law, a copy of the application was sent to:

- Police Scotland
- The Local Authority
- Scottish Fire and Rescue Service (SFRS)
- Local Community Council
- NHS Dumfries and Galloway
- Neighbours: Persons having notifiable interest in neighbouring land (within 4 metres in any direction of any boundary of the premises).

2.2 In terms of the law, the Board is obliged to advertise notice of the application on its website for a continuous period of 21 days. The dates of display were **Friday 2 September 2022 to Saturday 24 September 2022**.

2.3 The applicant is also obliged to display a site notice of A4 size at or near the premises in a place and at a height where the notice can conveniently be read by the public on the same dates as the Board's notice.

2.4 On expiry of the 21 day advertising period the applicant must submit to the Board signed Confirmation of Site Notice before the Board may determine the application.

2.5 At the time of writing this report, no signed Confirmation of Site Notice has been received.

**3. Objections and Representations**

3.1 The last date for objections/representations was **Friday 23 September 2022**.

3.2 No Objections or Representations have been received.

**4. Responses**

- LSO report: no adverse comments **Appendix 2**
- Police Scotland: no adverse comments
- Environmental Health: no adverse comments
- Planning: no planning issues
- Building Standards: no adverse comments
- SFRS: no comments

**5. Determining the application**

5.1 As democratically elected individuals, ultimate decision making power rests with elected Members and not Council Officers. Whilst Officers can give advice, they cannot clearly make decisions at Hearings. Ultimately, the Board must come to a lawful decision taking into account the following:

5.2 The Board must consider whether any of the grounds for refusal apply and

- (i) If NO ground of refusal applies, the Board must GRANT the application
- (ii) If ANY ground of refusal applies, the Board must REFUSE the application.

5.3 **The section 30(5) grounds for refusal are:-**

- The application must be refused under
  - Section 32(2) (where the Board has refused a premises licence variation application in respect of the same premises and seeking the same variation and this is a subsequent application received within 12 months of the refusal)
  - Section 64(2) (where the application is for 24 hour operation and exceptional circumstances justifying the sale of a 24 hour operation have not been proven)
  - Section 65(3) (the application is for off sales outwith 10am to 10pm)

- Licensing Objectives ground of refusal

The Licensing Board considers that the granting of the application *would be inconsistent with one or more of the licensing objectives* (preventing crime and disorder/securing public safety/preventing public nuisance/protecting and improving public health/protecting children and young persons from harm)

- Unsuitability of the premises

That having regard to:-

- a) the nature of the activities proposed to be carried on in the premises
- b) the location, character and condition of the premises; and
- c) the persons likely to frequent the premises

the Board considers that the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation.

- Overprovision

That the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises (taking account of the variation), in the locality.

## 6. Recommendation

Members are asked to either GRANT or REFUSE the application.

Vlad Valiente  
Clerk to the Licensing Boards  
Council Offices  
Municipal Chambers  
Buccleuch Street, Dumfries

28 September 2022

**Stewartry Divisional Licensing Board**  
**Application for Variation of Premises Licence**

<b>Applicant/Agent</b>	TLT Solicitors For CJ Lang & Son Limited 77 Longtown Road Dundee DD4 8JU
<b>Address of Premises</b>	Spar High Street Dalbeattie DG5 4HD
<b>Nature of Variation</b>	<p><b><u>Operating Plan</u></b></p> <p>At Q3) (i.e. off sales hours) amend the terminal hour on a Sunday from 6pm to 10pm.</p> <p>Replace the text in the box where further information re. column 4 is given with: “Recorded music may be played, such as Spar Radio prior to the commencement of core hours”</p> <p>Insert the following text at Q5(f): “ The primary activity undertaken in the premises is the general retail sale of groceries. Charity collection point and charitable events take place. Food to Go. Click &amp; Collect. Home Deliveries. Paypoint payment. National Lottery outlet. Sampling &amp; promotional activities”</p> <p>At Q7 increase the capacity from 23m<sup>2</sup> to 25.66m<sup>2</sup></p> <p><b><u>Layout Plan</u></b></p> <p>Amend layout plan to show increased alcohol capacity (25.66m<sup>2</sup>)</p>
<b>Last Date for Objections/Representations</b>	<b>Friday 23 September 2022</b>

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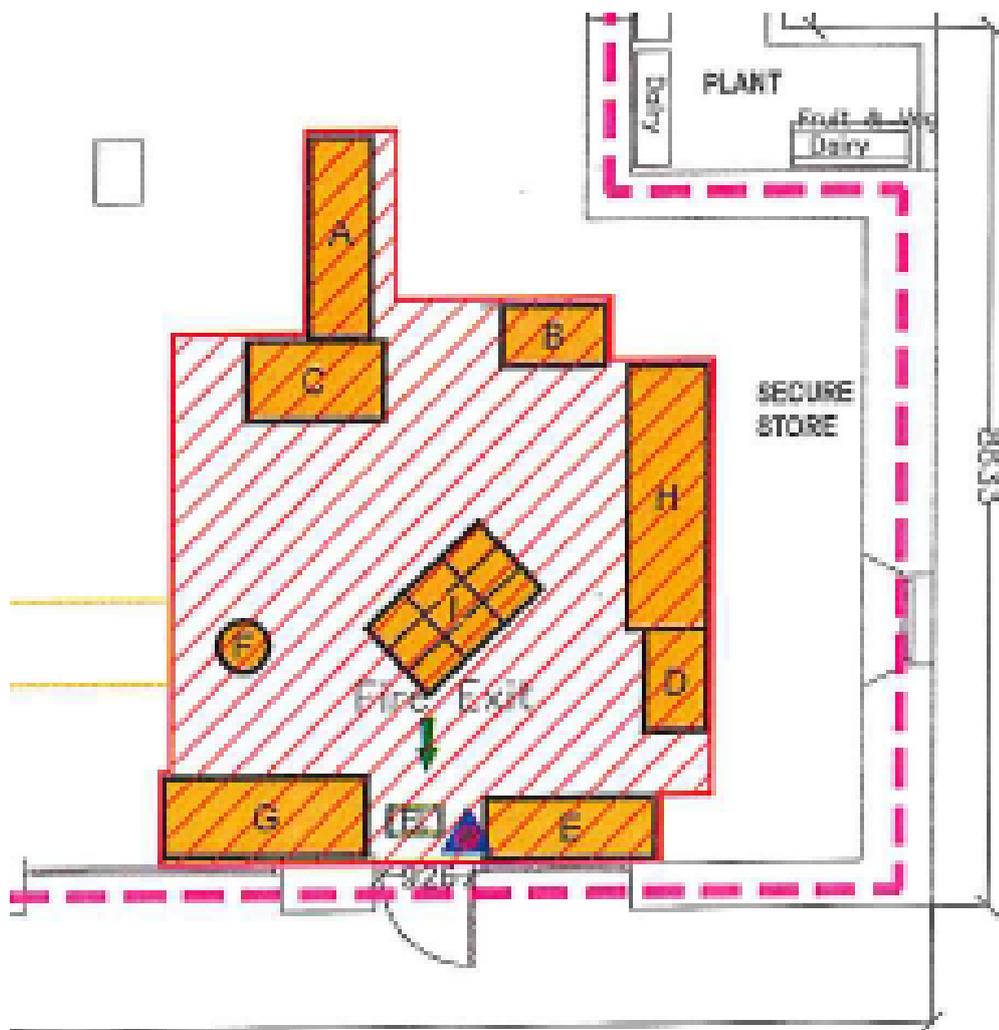
**DUMFRIES & GALLOWAY LICENSING BOARDS  
LICENSING STANDARDS OFFICER REPORT**

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**LICENSING (SCOTLAND) ACT 2005:  
APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE  
PREMISES: SPAR, HIGH STREET, DALBEATTIE  
LICENCE HOLDER: CJ LANG & SON LTD**

1. This application has been submitted by C.J. Lang & Son Ltd., seeking to amend the operating plan relating to the Spar licensed premises, situated in High Street, Dalbeattie.
2. Spar has numerous stores across the country, in addition to running various retail outlets throughout the Dumfries and Galloway region.
3. The shop has been licensed since 2009 and transferred to the existing licence holders on 9 June 2022. It has operated without any issues, problems, or concerns from a licensing perspective.
4. The application contains an increase in off-sale capacity from 23 m<sup>2</sup> to 25.66 m<sup>2</sup>. I have been unable to ascertain the reason behind the increase.
  - 4.1 Additionally, the applicant seeks to increase the terminal hour from 6pm to 10pm.
  - 4.2 All further changes applied for are consistent with the activities carried on in a shop of this type, albeit the primary activity is the general retail of groceries, fresh and frozen produce, confectionery, stationery, and a wide range of both alcoholic and soft drinks.
  - 4.3 These activities represent a very precise and thorough list detailing the many services available i.e.
    - Food to go
    - Click and collect
    - Home deliveries
    - Paypoint payment
    - National lottery outlet;
    - Sampling and promotional activities; and
    - Charity collection point.
5. The application was advertised on the Board's website page from Friday 2 September. Simultaneously a notice must be displayed at the premises.
  - 5.1 The Notice was checked on 9 September 2022 at which time it was displayed prominently at the entrance of the premises.
6. I have no adverse comments to make.

*Mary Irving*  
Licensing Standards Officer  
14 September 2022



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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
STEWARTRY DIVISIONAL LICENSING BOARD**

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**LICENSING (SCOTLAND) ACT 2005 (THE ACT)  
SECTION 9B: ANNUAL FINANCIAL REPORT 2021/22**

**1. Reasons for the report**

To seek the Board's approval of Dumfries and Galloway Licensing Boards' annual financial report for the year 2021/22.

**2. Background**

2.1 In terms of section 9B of the Act, the Boards must prepare and publish an annual financial report not later than 3 months after the end of each financial year.

2.2 This means that the Board's report for the financial year 2021/22 would normally be published no later than 30 June 2022.

2.3 However, due to temporary Coronavirus legislation, the end date by which the report must be prepared and published has been extended from 30 June 2022 to 31 December 2022 for the purpose of the 2021/22 report.

2.4 The financial report must include the following:

- a) a statement of—
  - the amount of relevant income received by the Licensing Boards during the financial year, and
  - the amount of relevant expenditure incurred in respect of the Boards' areas during the year, and
- (b) an explanation of how the amounts in the statement were calculated.

2.5 The report for the year 2021/22 is detailed at **Appendix 1**.

**3. Recommendation**

That the Board approves the draft Financial Report for 2021/22 attached at Appendix 1, for publication in accordance with section 9B of the Act.

Vladimir Valiente  
Clerk to the Licensing Boards  
Municipal Chambers  
Buccleuch Street  
Dumfries  
DG1 2AD

29 September 2022

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**Licensing (Scotland) Act 2005  
Dumfries and Galloway Licensing Boards Financial Report  
Financial Year: 2021/22**

Section 9B of the Licensing (Scotland) Act 2005 requires Dumfries and Galloway Licensing Boards to publish an annual financial report within 3 months of the end of the relevant financial year. This means that the Board's report for financial year 2019/20 would normally be published no later than 30 June 2020. However, Schedule 5 of the Coronavirus (Scotland) Act 2020 inserted an additional clause into the 2005 Act, providing the Board with a further 6 months if they were unable to publish their annual report by the end of June, due to reasons relating to Coronavirus.

The financial report must detail income received and expenditure incurred in connection with the exercise of the Board's functions under the 2005 Act.

This report has been prepared using financial data taken for year ending 31 March 2022. Dumfries and Galloway Council's accounting system for licensing expenditure is not set up to separately record expenditure in connection with the Board's functions under the 2005 Act so as to distinguish it from all other direct or indirect expenditure in connection with the Board's and the Council's licensing functions under the legislation.

In order to provide a figure for total expenditure, the figures in this report also include a number of allocations and estimates. The report accordingly relies on best estimates and should not be read as a precise statement of income and expenditure relative to the exercise of the Board's functions under the Licensing (Scotland) Act 2005.

The financial statement is as follows:

**Income<sup>1</sup>:**

Premises Licence	£5,900
Provisional Premises Licence	£800
Annual Fees	£177,578
Transfers	£2,100
Minor Variations	£3,017
Major Variations	£4,080
Extended Hours	£360
Occasional Licence	£16,280
Personal Licence	£10,000
Sundry Income ♦	£680
<b>Total</b>	<b>£220,795</b>

♦ including fees for replacement licences, applications subsequently withdrawn, miscodings etc

**Direct Staff Costs<sup>2</sup>:**

Licensing Standards Officers	£96,245
Licensing Board Members	£1,362
Management	£31,456
Legal Services	£29,445

Administrative Support	£88,894 (£34,614 funding received from Covid monies)
<b>Total</b>	<b>£212,788</b>
<b>Other Direct Costs<sup>3</sup>:</b>	
Training and Development	£1,305
Stationery	£121
Supplies and Services	£14,882
Transport/Travel	£12
<b>Total:</b>	<b>£16,320</b>
<b>Indirect Costs<sup>4</sup>:</b>	
ICT	£7,512
Accommodation	£8,027
Financial Services	£2,728
<b>Total:</b>	<b>£18,268</b>
<b>Total Expenditure</b>	<b>£247,376</b>
<b>Net Income</b>	<b>-£26,581</b>

**Notes:**

1. Denotes income from the categories detailed for applications and annual fees received under the Licensing (Scotland) Act 2005
2. Denotes salary, superannuation, national insurance and pension costs associated with the Clerk and other Legal Services staff, Licensing Standards Officers and other staff responsible for administrative support under paragraph 8 of Schedule 1 to the Licensing (Scotland) Act 2005, together with an estimate of costs associated with Board Members' time dedicated to Board work.
3. Denotes the identified direct budgetary costs associated with the exercise of the Licensing Board function under each category provided.
4. Denotes the portion of central administrative costs allocated to the Licensing Board budget for each category provided.

**DUMFRIES AND GALLOWAY LICENSING BOARDS  
STEWARTRY DIVISIONAL LICENSING BOARD**

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**LICENSING (SCOTLAND) ACT 2005 (THE ACT)  
SECTION 9A: ANNUAL FUNCTIONS REPORT 2021/22**

**1. Reasons for the report**

To seek the Board's approval of Dumfries and Galloway Licensing Boards' annual functions report for the year 2021/22.

**2. Background**

2.1 In terms of section 9A of the Act, the Boards must prepare and publish an annual functions report not later than 3 months after the end of each financial year.

2.2 This means that the Board's report for the financial year 2021/22 would normally be published no later than 30 June 2022.

2.3 However, due to temporary Coronavirus legislation, the end date by which the report must be prepared and published has been extended from 30 June 2022 to 31 December 2022 for the purpose of the 2021/22 report.

2.4 The functions report must include the following:

A statement explaining how the Boards have had regard to:

- the licensing objectives, and
- their licensing policy statement and any supplementary licensing policy statement (including the Boards' statement under section 7(1) (duty to assess overprovision)), in the exercise of their functions under the Act during the financial year,
- a summary of the decisions made by (or on behalf of) the Boards during the financial year;
- information about the number of licences held under the Act in the Boards' areas (including information about the number of occasional licences issued during the year) and
- any other information about the exercise of the Boards' functions as the Boards consider appropriate.

2.5 The report for the year 2021/22 is detailed at **Appendix 1**.

**3. Recommendation**

That the Board approves the draft Functions Report for 2021/22 attached at Appendix 1, for publication in accordance with section 9A of the Act.

Vladimir Valiente  
Clerk to the Licensing Boards  
Municipal Chambers  
Buccleuch Street  
Dumfries, DG1 2AD

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# Dumfries and Galloway Licensing Boards' Annual Functions Report

Licensing (Scotland) Act 2005, Section 9A

01/04/2021 – 31/03/2022



## **INDEX**

- 1. Introduction – Dumfries and Galloway Licensing Boards**
- 2. The Licensing Objectives**
- 3. Annual Functions Report**
- 4. Summary of decisions made by the Boards**
- 5. Reviews**
- 6. Licensing Policy Statement**
- 7. Licensing Standards Officers**
- 8. Statement on how the Boards exercise their functions**
- 9. Conclusion**

## **APPENDICES**

**Appendix - List of Applications for Premises Licences**

## 1. Introduction – Dumfries and Galloway Licensing Boards

### General

1.1 Dumfries and Galloway is a mainly rural area in South West Scotland. It covers approximately 2470 square miles with a population of around 148,790. The main settlements are Dumfries (including Heathhall/Locharbriggs) around 37,100 residents; Stranraer (approximately 10,600 residents) and Annan (approximately 8250 residents). All other settlements have populations under 5000. The region of Dumfries and Galloway is divided into four geographical areas (former District Council areas) as follows: Annandale and Eskdale, Nithsdale, Stewartry and Wigtonshire.

1.2 Each of these four areas has its own Divisional Licensing Board. The four Divisional Licensing Boards in Dumfries and Galloway are:

- Annandale & Eskdale
- Nithsdale
- Stewartry
- Wigton

1.3 Each Licensing Board is responsible for the licensing and regulation of alcohol within their respective areas.

1.4 As at 31 March 2022, there were 604 (611 - 2020/21) licensed premises in Dumfries and Galloway. Within each Licensing Board Division, the breakdown is:

<b>Board</b>	<b>2021/22</b>	<b>2020/21</b>
Nithsdale	191	192
Wigton	149	151
Annandale & Eskdale	154	157
Stewartry	110	111

### Types of applications under the 2005 Act:

1.5 Under the 2005 Act, the four Divisional Licensing Boards are responsible for considering applications for:

- occasional licences
- provisional licences
- temporary licences
- personal licences
- transfer of premises licences
- variation of premises licences
- extension of licensing hours

## **2. The Licensing Objectives**

2.1 The Act sets out the following five licensing objectives ("the licensing objectives"):

- (i) preventing crime and disorder
- (ii) securing public safety
- (iii) preventing public nuisance
- (iv) protecting and improving public health
- (v) protecting children and young persons from harm

2.2 The licensing objectives provide a basis for the administration of the licensing regime. They also provide potential reasons for refusal of an application, for the grant or variation of a premises licence or an occasional licence. Breach of the objectives may provide grounds for reviewing a premises licence. Conditions attached to a premises licence or an occasional licence may be based on any one or more of the licensing objectives.

2.3 In exercising its functions under the Act, the Board must have regard to the licensing objectives.

## **3. Annual Functions Report**

3.1 Section 9A of the Licensing (Scotland) Act 2005 requires Dumfries and Galloway Licensing Boards to publish an Annual Functions Report within 3 months of the end of the relevant financial year. This means that the Board's report for financial year 2021/22 would normally be published no later than 30 June 2022. However, Schedule 5 of the Coronavirus (Scotland) Act 2020 inserted an additional clause into the 2005 Act, providing the Board with a further 6 months if they were unable to publish their annual report by the end of June, due to reasons relating to Coronavirus.

3.2 Dumfries and Galloway's Divisional Licensing Boards must therefore prepare and publish an Annual Functions Report by 31 December 2022 for the financial year 2021-2022 (being 1 April 2021 to 31 March 2022).

3.3 An Annual Functions Report must include the following:

- a statement explaining how each Board has had regard to the licensing objectives;
- a statement explaining how each Board has had regard to the Statement of Licensing Policy and any Supplementary Policy Statement (including the Board's statement with regard to its duty to assess overprovision);
- a summary of the decisions made by (or on behalf of) the Board during the financial year;
- information about the number of licences held under the 2005 Act in each Board's area (including the number of occasional licences issued in each year); and
- such other information about the exercise of each Board's functions as each Board considers appropriate.

3.4 In the year from 1 April 2021 to 31 March 2022, the Licensing Boards met as follows:

Board	2021/22	2020/21
Nithsdale:	5 times	5 times
Annandale & Eskdale:	6 times	5 times
Stewartry:	2 times	3 times
Wigtown:	8 times	4 times
Conjoined meeting of all 4 Boards	2 times	n/a

3.5 Applications before each Board were dealt with in an open and transparent manner in accordance with the licensing legislation and the Boards Licensing Policy Statement.

3.6 Information and guidance was made available to persons wishing to apply for a licence, make representations or lodge objections.

#### 4. Summary of decisions made by the Boards

4.1 Each Divisional Licensing Board holds meetings to determine applications that cannot be dealt with via delegated powers (whereby a Licensing Board Hearing need not be held to determine an application and an authorised member of the licensing team may 'grant' certain applications).

4.2 The premises licences granted by the Boards in 2021/22 are detailed within the **Appendix**.

4.3 During the course of the year, 1,546 occasional licences and 30 extended hours applications were granted. For comparison purposes, during 2020/21 542 occasional licences and 4 extended hours were granted.

4.4 Any occasional licence and extended hours applications that attracted objections or representations were considered by the Convener of each Licensing Board in line with the Board's scheme of delegation, detailed within the Licensing Policy Statement.

4.5 In the course of the year, the Licensing Board granted 178 (2020/21 – 108) personal licences. 169 were revoked (2020/21 – none).

#### 5. Reviews

##### Premises Licence Reviews

5.1 In the 2021-22 period, 2 applications for review of premises licence were considered by the Board. Consideration of one review was deferred pending the outcome of court proceedings and in relation to the other review no grounds of review were established (2020/21 one).

### Personal Licence Reviews

5.2 In the 2021-22 period, 2 reviews of a Personal Licence took place. In one case, the decision was deferred pending the outcome of the alleged offence and in the other case no further action was taken (2020/21 two).

## **6. Licensing Policy Statement**

The Board's reviewed Licensing Policy Statement came into effect on 4 November 2018 and will exist for a maximum of 5 years. The Board may agree to prepare and publish Supplementary Statements within that period. The Policy Statement can be found at <https://www.dumgal.gov.uk/article/15196/Divisional-Licensing-Boards>

## **7. Licensing Standards Officers**

7.1 Dumfries and Galloway Licensing Boards have 5 "HMO, Landlord Registration and Licensing Standards Officers" (LSOs):

- Julia Farroll, Council Offices, Sun Street, Stranraer
- Mary Irving, Council Offices, Sun Street, Stranraer
- Amanda Green, Council Offices, Sun Street, Stranraer
- Michael Collins, Municipal Chambers, Buccleuch Street, Dumfries
- Robert Rome, Municipal Chambers, Buccleuch Street, Dumfries

7.2 The LSOs' general roles are:

- Providing information and guidance concerning the operating of the Licensing (Scotland) Act 2005
- Supervising the compliance by licence holders of the conditions of their licence and other requirements of the legislation
- Providing mediation services for the purposes of resolving or avoiding disputes or disagreements between licence holders and any other persons.

7.3 Following easing of Covid restrictions early 2022, LSOs recommenced routine licensed premises visits.

7.3.1 Common findings Included:

- Designated Premises Managers left without notification to the Board
- Outdoor drinking areas extended
- Outdoor bars been installed in outdoor areas
- Staff training issues

7.4 The LSOs continued to deal with enquiries and complaints throughout the year with the majority being resolved without having to proceed formally to the Licensing Boards. Issues which repeatedly arise are:

- Complaints of noise and anti-social behaviour at licensed premises
- Non payment of annual fees

7.5 During October 2021, LSOs participated in a Gambling Harm Pilot Exercise organised by the Gambling Commission.

7.5.1 LSOs undertook gambling training in terms of the Gambling Act 2005 and accompanied Gambling Commission compliance officers to various gambling premises throughout Dumfries and Galloway. 26 visits were made and only minor issues were identified.

7.6. LSOs continue to work closely with Police Scotland and other partner agencies carrying out joint visits as and when necessary.

## **8. Statement on how the Boards exercise their functions**

8.1 The Licensing (Scotland) Act 2005 as amended (“the Act”) sets out regulations for the sale of alcohol and regulations for licensed premises and other premises on which alcohol is sold.

8.2 The Act is underpinned by five licensing objectives which the Board must have regard to when exercising its functions. These objectives are:

- (i) Preventing crime and disorder
- (ii) Securing public safety
- (iii) Preventing public nuisance
- (iv) Protecting and improving public health
- (v) Protecting children and young persons from harm

8.3 The Licensing Boards are required by law to have a Licensing Policy Statement outlining how they will exercise their functions and duties under the Licensing (Scotland) Act 2005 (the 2005 Act) in order to promote each of the Licensing Objectives.

8.4 The current Policy Statement contains a range of issues pertaining to alcohol licensing and how the Board exercises its functions under the Licensing Scotland Act 2005 and can be found at <https://www.dumgal.gov.uk/article/15196/Divisional-Licensing-Boards>

8.5 The Boards deal with all applications in accordance with the legislation and, in particular, the above five objectives, together with its Statement of Licensing Policy which is based on the objectives.

## **9. Conclusion**

9.1 Each of the four Divisional Licensing Boards in Dumfries and Galloway are pleased to report that licensed premises are generally well run in their respective areas.

9.2 Overall, the Boards are generally satisfied that the licensed trade is upholding and promoting the five licensing objectives which underpin the functioning of the whole licensing system.

9.3 The Boards also recognise the efforts of the Licensing Service and external stakeholders (including Police Scotland) to ensure that licensed premises comply with the legislation and continue to uphold the licensing objectives.

9.4 Whilst the Boards recognise generally the good practice and effort of licence holders to ensure that the licensing objectives are upheld and promoted, they fully expect that licence holders ensure that this good practice continues.

## Appendix

**List of Applications granted by the Licensing Boards  
for Premises Licences – 2021-2022**

**Wigtown**

The Vault Arts Centre 40 Victoria Street Newton Stewart DG8 6BT	On and Off sales
Portpatrick Brewery 24 Main Street Kirkcolm Stranraer DG9 0NN	Off sales
Kenmuir Arms Hotel 31 Main Street New Luce Newton Stewart DG8 0AJ	On and Off sales

**Annandale & Eskdale**

Galldachd Na H-Alba Limited trading as Lowland Brewing 8 Well Street Lockerbie DG11 2EY	Off sales
Ninefold Distillery Dormont Home Farm Dalton, Lockerbie DG11 1DJ	On and Off sales
Colvin Filling Station High Street Moffat DG10 9HG	Off sales
Convenience Store Leamington Square Lochmaben DG11 1LG	Off sales
Sandpiper Queensberry Bay Powfoot, Annan DG12 5PN	Provisional - On and Off sales
Lonsdale Cinema Lady Street Annan DG12 5DA	On sales

**Stewartry**

Brambles Delicatessen 48A St Mary Street Kirkcudbright DG6 4DN	Off sales
Ernespie Farm Centre Castle Douglas DG7 3JG	On and Off Sales

**Nithsdale**

Moat Brae 101 George Street Dumfries DG1 1EA	On and Off Sales
Crichton Central Criffel View The Crichton Dumfries DG1 4ZZ	Provisional – On sales
The Bank Bar and Tapas 68 Whitesands Dumfries DG1 2RS	On and Off Sales

<b>2020/21 for comparison</b>	<b>New Premises Licences granted</b>
<b>Wigtown</b>	1 On Sales
<b>Annandale &amp; Eskdale</b>	1 On and Off Sales 1 Off Sales
<b>Stewartry</b>	1 On and Off Sales 1 Off Sales
<b>Nithsdale</b>	None

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